

**Seattle Police Department  
DISCIPLINARY ACTION REPORT**

FILE NUMBER  
**OPA 18-0144**

RANK/TITLE  
**Sergeant**

NAME  
[REDACTED]

SERIAL NUMBER  
[REDACTED]

UNIT  
**B241T**

**SUSTAINED ALLEGATIONS:**

**Violation of Seattle Police Department Policy & Procedure Manual Sections:**

- **5.001 - Standards and Duties - 9. Employees Shall Strive to be Professional**
- **5.001 - Standards and Duties - 13. Retaliation is prohibited**

**Specification:**

This discipline is based on your actions on February 10, 2018. This incident started when you on-viewed a parking violation, issued an infraction, and towed a vehicle. Both a man and a woman objected to the car being towed. The man said that the car belonged to his girlfriend's ex-boyfriend and that he used it for transportation to work. The woman stated that she was in the process of transferring the car to her but that she lacked the money to get it registered. Both she and the man grew angry and frustrated with you for having the car towed. The man cursed and called you names. You said to him, "you're a big man, huh, talking some smack." You directed the tow truck driver to take the car and walked back to your patrol car. As you were driving away, you rolled down your window and said, "I'll see you guys, goodnight." You further added to the man, "I'll see you for sure."

After you left, there was no further police action necessary. Despite this, a few hours later, you went to the AutoZone where the man referenced above often worked. You took a rolling chair from the back of your patrol car, placed the chair in front of the AutoZone, and sat down. You had numerous interactions with members of the public as well as other officers. Among your statements to community members were:

- "I got a little disrespected earlier today, so I'm going to hang out."
- "I got called a ho and a bitch, I think I'm going to hang around here until I get an apology."

Several other officers also arrived at the AutoZone parking lot. Your comments to another officer make clear that you asked or directed at least some of them to do so. You asked the first officer who arrived if he knew why you were sitting near the AutoZone. He answered that he did. You told him that "this guy [working in the AutoZone] is freaking out." You also told him that you were "going to have another unit roll through here, saying just doing community policing." Shortly thereafter, two other officers who were on your squad arrived in the AutoZone parking lot. Among your statements to the officers who arrived were:

- "I'm just hanging, I don't know if I told yah, I got a little disrespected earlier today. I think I deserve an apology. Do you know that broke down purple crown vic...you would think [the man working at AutoZone] would have enough pride not to be driving around his girlfriend's ex- man's car."
- "I think I'm owed an apology"
- "...just cold kicking it...just doing some community oriented policing stuff."

You spent approximately forty minutes outside of the AutoZone. You were in uniform and were on duty. You were tasked at the time with leading a squad of officers and were compensated for doing so. Instead, you sat outside the store in an office chair, had a drink, and repeatedly spoke about being there to obtain an apology from a man who worked in the area. During that time, three different community members approached you to express concerns with your actions. One individual told you that your behavior was harassment towards a community member because you felt he owed you an apology. Another stated that your conduct made you appear “pissed off.” A third explained at length why your actions were unnecessarily escalating the situation.

#### Employee Response:

You provided a written statement in lieu of an in-person Loudermill regarding this case. In it, you wrote about your pride in proactive policing and immersing yourself in the communities where you have worked. You also wrote about your role in supervising officers and asked that the Department recognize that this was one day in a long career and that you would like to take back or do over some things from the incident. You explained that you had no intention of contacting the man who worked at AutoZone but that your “intention was to be there, visible and available, in case he arrived and wanted to start a conversation and further discuss the matter.” You explained that, in retrospect, you could see how doing so could be seen in a negative light.

Separately from the discipline, you were informed that I reviewed the allegations against you and was considering whether to retain you in a probationary sergeant position. You were notified that your promotion to sergeant was not complete until after the expiration of a one-year probationary period and that I was considering demoting you. Before making a final determination, you were offered the opportunity to meet with me and did so. During that meeting, you expressed that you valued leading other officers and felt you were good at it. You discussed your ability both in responding to complicated calls and in mentoring officers.

#### Policies and Findings:

Then-Department Policy 5.001 (9) (which is now subsection 10 of Policy 5.001) requires that Department employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” The policy states that: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” Lastly, the policy proscribes: “unnecessary escalation of events even if those events do not end in reportable uses of force.”

Your conduct throughout this incident violated Department Policy 5.001 (9). Your comments about the male being “a big man” and that you would “see [him] for sure” were contemptuous and served no purpose other than to escalate the situation. You significantly escalated the situation by driving to and waiting outside of the man’s workplace for an apology. You further exacerbated the issue by causing several other officers to go to the scene. This behavior was threatening and reflected poorly on both you and the Department, as did your numerous comments made while sitting outside the AutoZone. You also made repeated comments that you were engaging in “community policing”. These comments showed, at best, a misunderstanding of what community policing means. At worst, the comments sarcastically mocked community policing, which is a vital and highly valued part of modern policing and crucial to this police service. Your flippant comments may have given community members the impression that “community policing” is a route to harass someone who questioned an officer’s actions. Nothing could be further from the realities of community-based policing.

Several community members in the vicinity raised concerns about your conduct. It is troubling that numerous people who simply happened to be in the area were able to quickly understand the impropriety of your conduct, yet you were unable to, despite being repeatedly counseled and disciplined for failing to meet the Department's standards of professionalism.

Then-Department Policy 5.001 (13) (which is now subsection 14 of Policy 5.001) prohibits its employees from engaging in retaliation against a person who "exercises a constitutional right" and "publicly criticizes an SPD employee or the Department." Retaliatory acts include "discouragement, intimidation, coercion, or adverse action against any person." Here, the man exercised a constitutional right when he expressed frustration with your decision to have the vehicle towed. Department policy makes clear that you may not respond to a community member criticizing you or the Department by intimidating or taking action against him due to that criticism. Your decision to respond to the man's comments by bringing a rolling chair to his place of employment and sitting outside waiting for an apology from him violated this policy. It was also intimidating and harassing behavior. You were well aware of the fact that the man was inside his workplace at the time you chose to sit outside of it for forty minutes, awaiting "an apology."

#### Determination of The Chief:

Your actions throughout this incident were deeply troubling. The Department is sincerely invested in community policing and works hard to foster relationships with the many communities we serve. Community policing creates a partnership between law enforcement and our communities to enhance trust, mutual respect and understanding. Your actions have degraded our community policing efforts instead of improving them.

You handled a non-threatening interaction during the towing of a vehicle by unnecessarily escalating it. While towing the car, you made several unnecessary and inappropriate comments to two people who were upset that their car was being towed. There was no legitimate reason for your comments, which were unprofessional and unnecessary. These comments were particularly problematic because you have been previously disciplined and counseled for unprofessional conduct and seem to have learned little from those corrective actions.

Your actions that followed were again problematic. Instead of the situation ending after the car was towed, you followed up on your commitment to "see [the man later] for sure" by going to the place where he worked. This was not a spontaneous action. You thought about your actions. You let officers whom you supervise know what you were doing. You put an office chair in your patrol car. You drove to AutoZone. You rolled that office chair to the front of the store. You intimidated, mocked, and retaliated against a member of the community. This would be unacceptable under any circumstance. It was made worse by the fact that you took these actions while on duty and involved those you supervise.

You have been disciplined and counseled on your professionalism repeatedly. The very day before this incident, you were counseled regarding inappropriate comments that you made during a traffic stop. Your supervisor advised you to carefully consider the comments you made to avoid being unprofessional. You were similarly counseled in October 2016, when your supervisor counseled you that your interactions with the public must be handled in a professional manner and that sarcasm should be avoided. You have received two prior suspensions for violating the Department's professionalism policy as well as a written reprimand for the same. One of your suspensions was imposed just months before this incident. During the Loudermill for that discipline, you assured me that you had learned from the incident and were educating your subordinates about the

consequences of poorly chosen words and conduct. You also specifically told me that I would not see you in a Loudermill again, yet within months you engaged in this behavior. The Department has repeatedly tried, through counseling and lower-level discipline, to bring your professionalism into line with its expectations. Your pattern of unprofessional conduct cannot be ignored.

In coming to the appropriate level of discipline, I gave consideration to the seriousness of your actions, the negative impacts it could have had on community trust in the Department, and your employment history. I also considered the impact your actions could have on those you supervise. Your behavior was the opposite of what I want officers to see from their supervisors.

In addition to imposing a disciplinary suspension, I am also exercising my discretion to return you to the position of officer. Under Seattle Municipal Code 4.08.110, a promotion is not deemed complete until after the expiration of a period of one year's probationary period. You were promoted to sergeant on October 18, 2017. Your probationary service in that position will not be completed. Your actions are incompatible with a successful promotion to the rank of sergeant. Effective October 12, 2018, you will revert to the rank of officer.

Final Discipline

**Fifteen (15) Day Suspension**  
**Five (5) Days of the Suspension Will be Held in Abeyance<sup>1</sup>**

DATE

10-12-2018

BY ORDER OF

*Caamen Bost*  
CHIEF OF POLICE

<sup>1</sup> A two-year abeyance period will run from the date of this Disciplinary Action Report. While the Department will not impose the discipline held in abeyance until any future OPA investigation is complete, the two-year time period refers to any event occurring between October 12, 2018 and October 11, 2020 that violates any of the policies cited in this DAR, regardless of when OPA concludes its investigation.